

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
March 21, 2000

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, March 21, 2000, in the East Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

WILLIAMSBURG AREA CHAMBER OF COMMERCE. (Not on Agenda)

Mr. Wiggins announced that he had attended a Chamber event which was held in appreciation for donors to the new office building. He presented a paperweight that he received in remembrance of the occasion.

Chairman Zaremba asked that the paperweight be placed in an appropriate County display case.

WORK SESSION

BUDGET ISSUES

Revenue Update:

Mr. James O. McReynolds, Director of Financial and Management Services, indicated the Federal government will be providing the County with more revenue than was anticipated, and the State Compensation Board will also be providing more. The picture with the interest rates also looks better, and the total revenue increase looks to be about \$126,725.

Miss Rapp asked if the increase for the Constitutional Officers was across the Board or just for a specific Constitutional Officer.

Mr. McReynolds indicated the change in estimates was generally across the Board.

Compensation:

Mr. McReynolds reviewed the non-licensed pay scale benchmarking process and the reasons why the County does the benchmarking. He listed the benchmarking positions used and the position characteristics of each. He discussed the two market areas used in the benchmarking process and the jurisdictions which they comprise. Mr. McReynolds then reviewed with the Board members a sample data sheet showing how a position was benchmarked.

Mr. Wiggins asked if all the benefits were considered with the salary scales provided by the other jurisdictions.

Mr. McReynolds stated the benchmark study deals only with salaries. Other comparisons are done to make sure the County's benefits are generally in line with the other jurisdictions.

Mr. Stuck further explained that the County tries to make its benefit package comparable to the other jurisdictions, but benefits are tougher than salaries. Salaries are always one year behind, so the proposal before the Board is a comparison with FY2000 salaries in other juris-

dictions. There would be a larger proposed increase if FY2001 figures from other jurisdictions were being used.

Discussion followed concerning the positions used for the benchmark study and the fact that every County position is individually reviewed every four years. The County's two pay curves were also explained to the Board members.

Mr. Burgett indicated he looked at all employees making over \$50,000 and the possibility of providing them with a 2.7 percent increase instead of the full 5.4 recommended. He stated his calculations indicated there would be only a \$73,000 difference to the budget.

Mrs. Noll indicated that doing anything different than one percentage increase for everyone would cause a lot of morale problems. She stated the numbers weren't worth the effort to adjust the scales.

Mr. McReynolds noted that because step increases are given to employees depending on their anniversary dates, the savings would only amount to about \$10,000.

Chairman Zaremba questioned the equity of the scale being increased the same percentage overall, noting that in actual dollars the upper salary employees will get much more in comparison to those at the lower end of the spectrum. When this is done over time, the gap between each of these positions gets wider and wider.

Mr. Stuck explained that staff is always comparing a given position with its comparison jobs in another jurisdiction. He stated what he has seen is just the opposite—more compression between the trades and supervisory positions. Mr. Stuck stated the market takes care of the gap between top and bottom by valuing individual positions.

Mr. McReynolds then reviewed the costs that would be involved if the Board were to pay 50 percent of the retirees' health insurance. He stated he also reviewed the number of employees expected to retire in the next five years, and the cost would be an additional \$22,000 to \$27,000 a year. He indicated that the figures would go up as health insurance premiums go up. Mr. McReynolds also noted there were 40-50 school retirees expected at a cost of an additional \$72,000 to \$90,000 per year. For comparison purposes, he stated the other communities were polled to see what they do with regard to retirees and health insurance, and it was found that some jurisdictions do not participate for retirees; others do, but they have a base number of years a person must have worked in order to have the jurisdiction participate with their health insurance premium.

Discussion followed on blended rates and how they affect overall costs.

Contributions to Outside Agencies/Community Organizations:

Mr. Stuck indicated the Board had been given a list of all proposed General Fund contributions, but the staff had provided more information on the agenda items included for specific contributions on which the Board had questions or concerns.

The Board then reviewed the list item by item and agreed to the following changes to the proposed budget:

Heritage Human Society: Add a \$5,000 contribution, contingent on an acceptable contract

Williamsburg Area Medical Assistance Corporation: Reduce contribution by \$5,000 and hold it for possible allocation to the CHIP program if justification warrants

Zweibrucken Student Exchange Program: Chairman Zaremba asked that staff take a look into the possibility of moving this program into the School Division's budget.

York County Little League: Add \$5,000 to Parks and Recreation budget for portable restroom facilities

Meeting Recessed. At 8:08 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:21 p.m. the meeting was reconvened in open session by order of the Chair.

Virginia Retirement System (VRS) Action by General Assembly and Budget Impact:

Mr. McReynolds reviewed actions taken by the General Assembly regarding VRS rates and contributions and assets valuation. He stated the best figures staff had make it appear there will be a revenue decrease because the State funds a portion of the benefit for the teachers. This decrease drives an expenditure decrease which results in a net gain of \$455,000. Mr. McReynolds stated his concern is that this funding won't necessarily be available in the future and may be one-time only money.

Mr. Stuck then reviewed the options for application of the VRS gain on the school side. With this change, all of a sudden \$455,000 in the school operating budget becomes available in FY01, and the question is how to deal with it. He stated if the Board acts on his current recommendation, then the \$455,000 would be available to the School Division to do with whatever it wants. Dr. Staples has recommended, and the School Board has approved, the purchase of new school buses. The School Division was going to buy them with lottery money which is capital money. This new money frees up capital monies for the schools to spend. Mr. Stuck explained the options included:

- Leave the budget as is
- Split the funding between operations and capital appropriations
- Move all the money to capital appropriations
- Apply all to non-education items

Mrs. Noll indicated she preferred a rainy day fund or a portion of it going to a rainy day fund.

Chairman Zaremba asked if there was any communication from the State as to whether or not this money will be for more than one year.

Mr. Dennis Jarrett, School Division Finance Officer, indicated he had received email to the effect that the rate approved by the State Department of Education is the rate that will be used for two years of the biennium.

Miss Rapp asked if the School Board has informed the County as to how they want to use the money.

Mr. Stuck stated the School Division wishes to place the money in the capital fund. He indicated he and Dr. Staples have had discussions about whether or not there will be funding coming from impact aid to do improvements to Bethel Elementary, but he did not think the School Board had made any final decision.

Dr. Staples indicated it depends on the pocket of money being discussed. The VRS money has to be used during the upcoming fiscal year, so the School Board feels it should buy buses which frees up the lottery money which has a longer shelf life. The School Board's discussion last night indicated the members would take it up at its work session scheduled for April 10. Dr. Staples stated the School Board members recognize in the current CIP that there are already capital projects underfunded.

FENCING ISSUE AT YORK HALL

Mr. Stuck indicated the Board had addressed this fence issue before, and several Boardmembers had stated they wished to take a look at the property. Staff has received another email request for the Board to make a decision.

Mr. Wiggins and Mr. Burgett indicated they had visited the property.

Mr. Wiggins stated the type of fence originally recommended was not at all in keeping with the character of Yorktown, and he would not be in favor of it at all.

Chairman Zaremba asked Mr. Wiggins if he perceived a need for a fence at all.

Mr. Wiggins indicated the County no longer had a jail there, and he saw no need for a fence.

Mr. Burgett noted the first two houses have photinia bushes that are huge. The County has planted wax myrtles which will be 10-15 feet in height, so it would not be that long before the foliage completely separated the residences from the parking lot to York hall. Mr. Burgett stated he could not see spending the money for a fence.

Mrs. Noll agreed, stating she would go along with leaving a foliage-only buffer.

Miss Rapp noted the County made a mistake, and needs to ask forgiveness, but she stated she also could not see spending money for a fence that was not needed.

PERSONNEL COMMITTEE DISCUSSION

Mr. Stuck provided the Board members with pages from the current Personnel Manual which addressed how the system works today regarding the authority of the County Administrator to manage the system. He stated the last time this topic was discussed there was a question about what other localities do, and he noted he had included a chart as to what other localities do regarding hiring and firing practices. He explained the background leading to the establishment of the County's personnel manual and the current system today which is very common to local governments. Mr. Stuck reviewed the authorities and responsibilities outlined in the current policies and procedures manual. He noted the manual requires annual review on or about July 1 of each year. He stated all of the other communities in the Hampton Roads area operate the way York does at the present time.

Mr. Burgett presented the Board with the following proposal for an Executive Personnel Committee of the York County Board of Supervisors:

The need exists to establish a personnel policy, which empowers the Board of Supervisors to directly control the major elements of York County Government. The Board of Supervisors bears the ultimate responsibility for the success or failure of County government making it imperative that the Board control its destiny. The leadership of the various divisions of the government is a critical factor of such importance that the Board of Supervisors must take part in personnel management of these key players. The establishment of an Executive Personnel Committee will meet this need.

The Executive Personnel Committee shall consist of the Board Chairman, Vice Chairman, and the County Administrator.

The Executive Personnel Committee shall be responsible for the hiring and/or dismissal for the following County government director positions: Environmental and Development Services, Financial and Management Services, Community Services, Fire and Life Safety, General Services, and any future additions to the executive staff.

The Executive Personnel Committee performs only the actions listed above.

Mr. Burgett stated this action would not be unprecedented, and nothing indicates that the present system must stay the way it is. If there is a failure or a problem, the responsibility doesn't go to the department head; it goes to the Board of Supervisors. He stated when these key people are picked, the Board should be aware of the importance of these positions and their importance to the Board. Mr. Burgett stated the personnel manual was wonderful, and he wouldn't change a thing; but when the buck goes around, it stops with the Board of Supervisors. He stated he felt the Board should have a say in its own destiny, and he did not think it would clog the system up or result in Board members telling the Department Directors how to run their departments. Mr. Burgett stated the establishment of the committee would make a statement that the Board of Supervisors runs the County.

Mr. Wiggins stated that when a new Board comes into office, changes are made. He noted that a County Administrator usually averages 3-5 years in any one locality. Many times the first thing a new board does is get a new administrator. He stated the County has to expect some changes to be made after all these years, and he indicated he was in favor of Mr. Burgett's proposal.

Chairman Zarembo indicated the current policy didn't spell out the actual procedure the County would go through to select a director, and he asked Mr. Stuck to explain the procedure.

Mr. Stuck explained the philosophy of the policy in that it was designed to be very management friendly so that within the parameters of the law the County can have a degree of management control over what the employees do without getting into a lot of detailed procedures. There is no specificity as to how the hiring is done; each department handles its hiring differently. Mr. Stuck explained the way he typically goes about hiring a director which is through the use of an interview panel that is comprised of a couple of people from other jurisdictions having a thorough knowledge of the position being hired as well as another one of the department directors and his Assistant. Depending on what comes out of the panel interview, he stated he would interview one, two, or three candidates in order to make a final decision. He also noted that he has almost always gone with the recommendation of the panel.

Mr. Burgett stated his only recommendation was that an Executive Committee give direct input to the most senior level positions.

Mr. Stuck indicated he has always discussed his hiring selections with the Board of Supervisors in closed session as well as certain personnel situations or issues dealing with department directors or senior staff.

Mrs. Noll asked why Mr. Burgett felt there was a strong need for the Board to have this power. She stated that normally when a change is made it is made because something needs to be fixed, and she indicated she did not understand what it was that needed fixing. She stated she feels the County is running very well, and the citizens are very happy. Mrs. Noll stated York County was not unique in the way it administered its personnel policies.

Mr. Burgett stated he was elected because he stood for certain things, and people expected the Board to do certain things. The Board was elected because people want change. Mr. Burgett stated he was very comfortable that the people who voted for him would be happy with his proposal because it was in line with his political beliefs.

Mrs. Noll questioned whether or not the voters would actually support the proposal. She stated she worried very much that the proposal would be politicizing the directorates. If the Supervisors get involved in hiring practices, she stated she could see the possibility of abuses and going back to "good old boy" patronage. Mrs. Noll stated she felt there should be one boss—the administrator. She stated she felt the system has been working well, and she could not support the proposal. She indicated she had no intention of giving up her voting right to the Chairman and Vice Chairman, and the Board must act as an entity. If the Administrator makes decisions the Board dislikes, then it is the Board's responsibility to replace the Administrator. The Board members are not experts in the personnel field, and those operations should be left to the professionals with oversight by the Board.

Miss Rapp asked that the draft Ground Rules for Conduct and Interaction among the Board members be placed on Thursday's work session agenda. She noted her agreement with Mrs. Noll that a change was not needed unless something needed fixing. Miss Rapp stated she had just received the proposal this evening, and she would not work under its conditions if she were the County Administrator. Chief executive officers and presidents of companies do not hire and fire personnel; they have people they respect and trust to do it for them. She stated that elected officials by virtue of their election are not qualified to participate in the final decisions of hiring or firing professional people in the higher positions of government. The Board of Supervisors will have a difficult enough time participating in the management of its two direct-hire employees, the County Administrator and the County Attorney. Miss Rapp stated she did not feel the citizens would be well served if the Board were to participate in the hiring and firing of highly paid officials who have recourse to complex administrative procedures when they perceived they find themselves in an unjust personnel situation. She stated it

would be questionable as to who then would be responsible for protecting the interests of the citizens if the elected officials were involved in grievance procedures. If the Board were to be directly involved in hiring the department directors, she asked who would be responsible for the day-to-day supervision of those directors and would the elected officials participate in the performance evaluations of those individuals. Miss Rapp also stated that three of the Board members would be denied their voting rights by Mr. Burgett's proposal, and she did not feel politics belonged in the board room. She stated she felt Mr. Burgett's proposal would take away the County Administrator's authority to manage the County and its staff.

Chairman Zaremba stated the proposal was brought up to entertain some discussion as to why the Board might want to favorably consider the merits of Mr. Burgett's proposal. No one has indicated the Board would be making a decision on the proposal at this time. He stated he did not think he heard Mr. Burgett say he felt the County was being run improperly, but he did state that as well as the County was being run, there was always room for improvement. Mr. Zaremba stated there has been a change of government in the last couple of months, and each Board member has the prerogative to propose their ideas as to the best way to serve the people of the County.

Mr. Wiggins stated he felt the people have told him what they want out of government and what they want from the people who work for them. He stated this proposal was another way to provide leadership for the people of York County.

Chairman Zaremba stated the Board members all bring their different values and objectives to the table which is what dialog is all about.

Miss Rapp asked Mr. Burgett if there was any other reason other than what was in his written proposal as to why he felt the personnel committee should be established.

Mr. Burgett answered no, stating he simply felt the Board should have a say in the selection of the people who lead the departments of the County. He stated he felt the Board should take an active participatory role at the highest level of York County's government.

Miss Rapp asked Mr. Wiggins if he felt there were problems in the departments that this sort of proposal might solve.

Mr. Wiggins stated he only wanted the people to be represented in the manner in which they elected him to the Board to represent them.

Mrs. Noll expressed her concern about mixing politics and professionalism. She stated she did not want employees beholden to the political process in any way. The Board delegated the authority, but it still ultimately sat with the Board of Supervisors.

Chairman Zaremba noted the Board was comprised of five individuals who are highly motivated and want to do what is in the best interests of the citizens of York County. He stated he feels they all would like to leave the organization in better shape than when they inherited it. He indicated that suggestions such as Mr. Burgett's are perfectly normal and within the purview of the elected official, and they all have their counterpoints and arguments. He asked the Board members to discuss the proposal amongst themselves and weigh the arguments for and against. He stated there was no intent on the part of the Board to embarrass or abuse one another, but the democratic process involves discussion and dialog that can be emotional and heated at times.

Miss Rapp asked if there was a timeframe to look toward in making a decision on the proposal.

Chairman Zaremba indicated there was no timeframe.

Mrs. Noll noted the decision would be made at a public meeting.

PROPOSAL FOR PRESIDENTIAL PARK (Not on Agenda)

Chairman Zaremba indicated he had received five or six phone calls today concerning the heads at the Days Inn, and not one of them was in favor of the initiative for Presidential Park.

March 21, 2000

COMMENDATION OF THE BRUTON HIGH SCHOOL BASKETBALL TEAM (Not on Agenda)

Chairman Zaremba expressed congratulations to the Bruton High School Basketball Team for its success in winning the State High School Basketball Tournament.

DOCKING PRIVILEGES IN YORKTOWN (Not on Agenda)

Chairman Zaremba indicated he had spoken with Mr. Mershon today concerning docking privileges in Yorktown, and Mr. Mershon asked if any other boat companies were going to have free docking privileges when the new waterfront is completed. Mr. Mershon told him he had received information that one or two others were going to be given free privileges.

Mr. Stuck stated that to his knowledge there are two companies with docking privileges, and the larger cruise ship pays per day, per foot. The other boat is the small one running a lunch-eon cruise. Mr. Stuck noted the Board signed a docking agreement for three years with the small boat owner, and until year three the boat's owner is obligated to do maintenance on the pier and in-kind services as a tradeoff. At some point in time there is a payment involved. He stated the intent is that there would be some docking charges for the new pier unless there was a special event to which the Board wished to encourage special vessels to come.

Chairman Zaremba asked that Mr. Carter call Mr. Mershon.

VACANCY ON THE INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) (Not on Agenda)

Chairman Zaremba noted that he had received a letter from Mr. Coxton announcing his resignation from the IDA, and there was now a vacancy to be filled.

Meeting Adjourned. At 9:40 p.m. Chairman Zaremba declared the meeting adjourned to 6:00 p.m., Thursday, March 23, 2000, in the East Room, York Hall, for the purpose of conducting a work session.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors